

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

FILED

MAR 13 2017

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

ANDREW WILLIAMS

Case Number:

17-260-SMY
(Clerk's Office will provide)

Plaintiff/Petitioner(s)

v.

FORMER WARDEN K. BUTLER

COUNSELOR MS. COWAN

OFFICER 1) LAFOUNO

OFFICER 2) JOHN DOE

Defendant/Respondent(s)

☒ CIVIL RIGHTS COMPLAINT

pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT

pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINT

pursuant to the Federal Tort Claims Act,

28 U.S.C. §§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff:

- A. Plaintiff's mailing address, register number, and present place of confinement

ANDREW WILLIAMS M-29 829
P.O. BOX 999
PINCKNEYVILLE, IL 62274
PINCKNEYVILLE CORRECTIONAL CENTER

Defendant #1:

- B. Defendant K. BUTLER is employed as

(a) (Name of First Defendant)

FORMER WARDEN OF MENARD C.C.

(b) (Position/Title)

with ILLINOIS DEPARTMENT OF CONNECTIONS

(c) (Employer's Name and Address)

MENARD C.C. P.O. BOX 1000 MENARD, IL 62259

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain:

MS. BUTLER WAS THE WARDEN OF MENARD C.C. WHEN THIS INCIDENT TOOK PLACE. AND SHE HAD PERSONAL KNOWLEDGE OF THE INCIDENT CAUSE I WROTE HER ABOUT IT.

Defendant #2:

C. Defendant COUNSELOR MS. COWAN is employed as

(Name of Second Defendant)

COUNSELOR & P.C. INTAKE COUNSELOR
(Position/Title)

with ILLINOIS DEPARTMENT OF CORRECTIONS
(Employer's Name and Address)

MCNARD C.C. P.O. BOX 100 MCNARD, IL 62259

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain:

SHE WAS THE (P.C.) PROTECTIVE CUSTODY COUNSELOR WHO HAD APPROVED ME FOR P.C. BEFORE I GOT OUT OF SEGREGATION. I WROTE HER TELLING HER I NEEDED P.C. STILL, & SHE REPLIED "(IF I GET AROUND TO IT)" IM BUSY & FOR HER LACK OF CARE THE INCIDENT HAPPENED.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

OFFICER LAFOUNO
CORRECTIONAL OFFICER / ILLINOIS DEPARTMENT OF CORRECTIONS
MCNARD C.C. P.O. BOX 100 MCNARD, IL 62259

HE WAS THE PROPERTY OFFICER APRIL 2016, WHEN I WAS RELEASED FROM SEGREGATION, I REPEATEDLY TOLD HIM I NEEDED (P.C.) DUE TO THE HIT ON ME. HE TOLD ME I'D BE O.K., IM GOING HOME YOU DEAL WITH IT

OFFICER 1) JOHN DOE
CORRECTIONAL OFFICER ON 6 - GALLERY / ILLINOIS DEPARTMENT OF CORRECTIONS / MCNARD C.C. P.O. BOX 100 MCNARD, IL 62259
WAS THE OFFICER WORKING @ GALLERY IN THE WEST HOUSE 5 DAYS A WEEK FROM APRIL 16 2016 TO MAY 14 2016. I CLEARLY ASKED HIM FOR P.C. & HELP NUMEROUS TIMES. IT FELL ON DEAF EARS & AT THE END I GOT SERIOUSLY HURT ON THE YARD.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☐ Yes ☒ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:
Plaintiff(s):

N/A

Defendant(s):

N/A

2. Court (if federal court, name of the district; if state court, name of the county):

N/A

3. Docket number:

N/A

4. Name of Judge to whom case was assigned:

N/A

5. Type of case (for example: Was it a habeas corpus or civil rights action?):

N/A

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

N/A

7. Approximate date of filing lawsuit:

N/A

8. Approximate date of disposition:

N/A

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☒ No

C. If your answer is YES,
1. What steps did you take?

MY ISSUE WAS A P.C. ISSUE, SO I SENT MY GRIEVANCE TO THE APB, LIKE IT SAID ON THE GRIEVANCE FORM

2. What was the result?

~~I WAS~~ I PUT IN THE GRIEVANCE ON JULY 10TH OF 2016 AT MENARD C.C., I WAS MOVED 1/4/17 TO PINCKNEYVILLE C.C. & I STILL HAVNT RECEIVED NOTHING / RESPONSE

D. If your answer is NO, explain why not.

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☒ Yes ☐ No

F. If your answer is YES,

1. What steps did you take? 1ST OFF IM UNABLE TO READ & WRITE MY, LEVEL OF READING & WRITING IS AT A 5TH GRADE LEVEL & I STRONGLY BELIEVE IF I DID WRITE A GRIEVANCE IT WOULD OF BEEN

2. What was the result?
I WAS LEFT IN
POPULATION.

DISCARDED. PLUS IM UNABLE TO DO IT. & I INTERACTED WITH THE WARDEN, COUNSELOR & SEVERAL OFFICERS DAILY & I NOTIFIED THEM OF MY PROBLEM BUT STILL DENIED.

G. If your answer is NO, explain why not.

(I EXHAUSTED MY ADMINISTRATIVE REMEDIES AVAILABLE

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not

IV. STATEMENT OF CLAIM

A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments of citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

- 1) (FORMER WARDEN K. BUTLER). APPROVED ME FOR P.C. IN 2015, BUT I WENT TO SEG. BEFORE I GOT OUT OF SEG, I WROTE HER NUMEROUS TIMES, TELLING HER I STILL NEEDED P.C. SHE WAS AWARE OF MY SITUATION, CAUSE SHE APPROVED ME BEFORE, SHE PUT ME & MY ISSUES TO THE SIDE & TURNED A BLIND EYE TO MY SAFETY. AND ON MAY 19TH 2016, I WAS JUMPED BY 3 INMATES, & SEVERELY HURT. DUE TO HER ACTIONS, IT VIOLATED MY 8TH AMENDMENT RIGHT, TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT, & FAILURE TO PROTECT, & DELIBERATE INDIFFERENCE.
- 2) (COUNSELOR MS. COWAN), SHE SAT ON THE P.C. APPROVAL BOARD, & SHE WAS THE INTAKE P.C. COUNSELOR. I TOLD HER MY WHOLE SITUATION, ABOUT MY CASE & THAT ~~MAY~~ OTHER INMATES HAD A HIT ON ME. SHE APPROVED ME & ~~FORGOT~~ THEN DENIED ME & THEN FINALLY APPROVED ME. & THEN WENT TO SEG & WHILE IN SEG I WROTE MS. COWAN TELLING HER I STILL NEED P.C. SHE TOLD ME "I'M BUSY, I'LL TRY TO GET TO IT." SHE IGNORED MY NEEDS & DO TO HER ACTIONS, I GOT ASSAULTED BADLY ON MAY 14 2016. HER ACTIONS VIOLATED MY 8TH AMENDMENT RIGHTS TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT, FAILURE TO PROTECT, & DELIBERATE INDIFFERENCE.
- 3) (OFFICER MR. LAFOUNO) WHEN I WAS RELEASED FROM SEG APRIL 2016 ~~AND~~ I WENT TO PROPERTY & TOLD THE PROPERTY OFFICER I NEEDED P.C. CAUSE I NEEDED SAFETY FOR THE HIT ON MY LIFE. THE OFFICER TOLD ME I'D BE O.K. I ASKED HIM COULD HE REPORT MY CONCERNS. HE SAID AGAIN YOU'LL BE O.K. MAY 19TH 2016 I WAS ASSAULTED DUE TO THE OFFICER'S ACTIONS. IT VIOLATED MY RIGHTS, TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT, FAILURE TO PROTECT & DELIBERATE INDIFFERENCE.

- 4) (JOHN DOE #1) MY 5 DAY OFFICER IN WEST HOUSE 6 GALLERY. I TOLD MY OFFICER NUMEROUS TIMES, THERE WERE THREATS ON MY LIFE, & THERE WAS A HIT ON ME. MY OFFICER TOLD ME "YOU'LL BE FINE". & THEN TOLD ME TO "QUIT BOTHERING HIM." THEN ON MAY 19 2016, I WAS SEVERLY BEATEN ON THE YARD. DUE TO THESE ACTIONS, IT VIOLATED MY 8TH AMENDMENT RIGHT TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT, FAILURE TO PROTECT & DELIBERATE INDIFFERENCE.
- 5) & EACH DEFENDANT ACTED UNDER THE STATE COLAR OF LAW.

RELIEF
IM REQUESTING \$15,000 IN COMPASTORY DAMAGES, AND I WANT \$15,000 IN PUNITIVE DAMAGES, FROM EACH DEFENDANT IN THERE INDIVIDUAL COMPASITY (. & OFFICIAL COMPASITY.)

DATE < 1/23/17

SIGNATURE Andrew Williams

ANDREW WILLIAMS
M 29829
P.O BOX 999
PINCKNEYVILLE, IL
62274
PINCKNEYVILLE C.P

(6)

①

STATEMENT OF CLAIM

ON 3/23/15 I WAS SUBMITTED INTO PROTECTIVE CUSTODY
THROUGH 3/23/15 - 1/26/16 I WAS IN & OUT OF P.C.
TO SEGREGATION, BUT EVERY TIME I WAS SIGNED
UP FOR P.C I WAS DENIED BY (WARDEN K.
BUTLER & COUNSELOR MJCOWAN) WHO WAS ON
THE APPROVAL BOARD FOR P.C. THEN ON 4/26/16
I WAS RELEASED FROM SEG & I TALKED TO
(SEGREGATION PROPERTY OFFICER LAPOUND ON 1ST SHIFT)
TELLING HIM I NEED TO CHECK INTO P.C & HE
SPECIFICALLY SAID ("IM TIRED OF SIGNING YOU UP
CAUSE I ALREADY DID IT TWICE & YOU KEEP GOING
TO SEG PLUS IM NOT GOING TO DO IT CAUSE YOU CAN
TAKE IT AS A PUNISHMENT & I DONT LIKE GUYS
WITH SEX CASES, SO IF YOU WANT TO SIGN IN GO
TO WEST HOUSE.") BUT I CONTINUED TO LET HIM
KNOW MY LIFE IS IN DANGER & THEN HE CLEARLY
SAID ("I KNOW YOU NEED P.C BUT IM GOING HOME
& YOU GOT TO DEAL WITH IT.") SO NOW IM IN
(WEST HOUSE GALLERY 6 1ST SHIFT WITH ^{OFFICER} JOHN DOE #1)
WAS DOING HIS COUNT & I NOTIFIED HIM OF MY
SITUATION & HE CLEARLY SAID ("I KNOW YOU NEED
P.C BUT IM NOT GOING TO GO OVER WHAT MY BOSS
SAYS.") & WALKED AWAY. SO FROM 4/26/16 - 5/19/16
I CONTINUED TO ASK OFFICER JOHN DOE #1 TO

(2)

BE SIGNED OR MOVED TO P.C. & I WAS CLEARLY
DENIED & THEN ON 5/19/16 I WAS ON ^{EAST} YARD
& 3 UNKNOWN INDIVIDUALS APPROACHED ME &
STARTED BEATING ME UNTIL THEY WERE TIRED.
AFTER THE INCIDENT, YARD WAS CALLED &
I SEEN SEVERAL OFFICERS & THEY SENT ME
TO MEDICAL TO GET THEIR OWN EVALUATION
& ALL I KEPT SAYING WAS THANK GOD THEY ~~OWD~~
HAVE KNIVES. SO FOR THE LACK OF CARE
ALL THESE SWORN STAFF ^{TOOK} I WAS HURT
& NOT PROTECTED. MS. K. BUTLER &
COUNSELOR MS. COWAN FOR NOT APPROVING
ME & OFFICER LAFOUNDS & OFFICER JOHN DOE-
#1 IN WEST HOUSE FOR NOT DOING THE
PROPER PROCEDURE OF SIGNING ME UP
WHEN I CLEARLY ASKED THEM. NONE OF
THIS WOULDN'T HAVE HAPPENED.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

I WANT \$15,000 IN COMPASTORY DAMAGES & I WANT \$15,000 IN PUNITIVE DAMAGES, FROM EACH DEFENDANT IN THERE INDIVIDUAL COMPASITY & OFFICIAL COMPASITY

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

(YES, I WOULD LIKE A JURY TRIAL!)

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: _____

(date)

Andrew Williams

Signature of Plaintiff

P.O BOX 999

Street Address

ANDREW WILLIAMS

Printed Name

pinckneyville, TN 37274

City, State, Zip

1429829

Prisoner Register Number

Signature of Attorney (if any)

ANDREW WILLIAMS (M29829)

P.O. BOX 999

PINCKNEYVILLE, IL 62274

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US MARSHALS

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
750 MISSOURI AVE
EAST ST. LOUIS, IL 62201

MAIL
LAW

